



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, 23 जुलाई, 2003/1 भावण, 1925

हिमाचल प्रदेश सरकार

उद्योग विभाग

अधिसूचना

शिमला-171 002, 25 जून, 2003

संख्या उद्योग-बी(एफ) 10-4/94-II-लूज (1).—हिमाचल प्रदेश के राज्यपाल, खान और खनिज (विकास और विनियमन अधिनियम, 1957 (केन्द्रीय अधिनियम संख्या 1957 का 67) की धारा 15 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दी हिमाचल प्रदेश माइनर मिनरल्ज (कन्सेशन) रिवाइज्ड रूल्ज, 1971, जिन्हें इस विभाग की अधिसूचना संख्या 13-3/70-एस आई तारीख 13 अप्रैल, 1971 द्वारा राजपत्र, हिमाचल प्रदेश (असाधारण), तारीख 5 मई, 1971 में प्रकाशित किया गया था, का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम.—(1) इन नियमों का संक्षिप्त नाम दी हिमाचल प्रदेश माइनर मिनरल्ज (कन्सेशन) रिवाइज्ड (अमैडमेंट) रूल्ज, 2003 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. नियम 2 का संशोधन.—दी हिमाचल प्रदेश माइनर मिनरल्ज (कन्सेशन) रिवाइज्ड रूलज, 1971 (जिसे इसमें इसके पश्चात् "उक्त नियम" कहा गया है) के नियम 2 में,—

(क) खण्ड (e) के पश्चात् निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात्:—

"(e) "Gram Sabha", means the Gram Sabha established under section 4 of the Himachal Pradesh Panchayati Raj Act, 1994;"

(ख) खण्ड (g) के पश्चात् निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात्:—

"(gg) "Panchayat" means the Panchayat as defined in clause (26) of the Himachal Pradesh Panchayati Raj Act, 1994;"

(ग) खण्ड (p) के अंत में चिन्ह "." के स्थान पर ";" and" चिन्ह तथा शब्द रखा जाएगा, और तदुपरि निम्नलिखित खण्ड जोड़ा जाएगा, अर्थात्:—

"(q) "Scheduled Areas" means the Scheduled Areas as referred to in clause (1) of article 244 of the Constitution of India."

3. नियम 5 का संशोधन. उक्त नियमों के नियम 5 में उप-नियम (3) के पश्चात् निम्नलिखित उप-नियम जोड़ा जाएगा, अर्थात्:—

"(4) No mining lease shall be granted to a person in a scheduled area without the prior recommendation of the Gram Sabha or Panchayat concerned."

4. नियम 24 का संशोधन.—उक्त नियमों के नियम 24 में उप-नियम (i) के परन्तुक में चिन्ह "." के स्थान पर ":" चिन्ह रखा जाएगा और तदुपरि द्वितीय परन्तुक जोड़ा जाएगा, अर्थात्:—

"Provided further that the Director or any other Officer authorised by him in this behalf shall grant short term permit to any person in the Scheduled Areas of the State only after receiving due recommendations of the Gram Sabha or Panchayat concerned."

5. नियम 28 का संशोधन.—उक्त नियमों के नियम 28 के उप-नियम (3) में चिन्ह "." के स्थान पर ":" चिन्ह रखा जाएगा और तदुपरि निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात्:—

"Provided that no tender or auction or contract, as the case may be, regarding exploitation of minor minerals in scheduled areas of the State shall be considered by the Government for acceptance unless recommended by the Gram Sabha or Gram Panchayat or Panchayat Samiti or Zila Parishad, as the case may be."

आदेश द्वारा,

अरविन्द कोल,
अतिरिक्त मुख्य सचिव एवं सचिव (उद्योग)।

[*Authoritative English Text of this Department notification No. Udyog. B(F) 10-4/94-II-loose (1) dated 25-6-2003 as required under clause (3) of Article 348 of the Constitution of India.*]

INDUSTRIES DEPARTMENT

NOTIFICATION

Shimla-171002, the 25th June, 2003

No. Ind. B(F)10-4/94-II-Loose (1).—In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971, which were published in the Rajpatra, Himachal Pradesh (Extra Ordinary) dated the 5th May, 1971 *vide* this Department notification number 13-3/70-SI dated the 13th April, 1971, namely:—

1. *Short title.*—(1) These rules may be called the Himachal Pradesh Minor Minerals (Concession) Revised (Amendment) Rules, 2003.

(ii) These rules shall come into force from the date of publication in Rajpatra, Himachal Pradesh.

2. *Amendment of Rule 2.*—In rule 2 of the Himachal Pradesh Minor Minerals (Concession) Revised rules, 1971 (hereinafter referred to as the said rules),—

(a) after clause (e), the following clause shall be inserted, namely:—

“(ee) “Gram Sabha”, means the Gram Sabha established under section 4 of the Himachal Pradesh Panchayati Raj Act, 1994;”

(b) after clause (g), the following clause shall be inserted, namely:—

“(gg) “Panchayat” means the panchayat as defined in clause (26) of the Himachal Pradesh Panchayati Raj Act, 1994;”

(c) in clause (p), at the end for the sign “.” the sign and word “; and” shall be substituted and thereafter the following clause shall be added, namely:—

“(q) “Scheduled Areas” means the Scheduled Areas as referred to in clause (1) of article 244 of the Constitution of India.”

3. *Amendment of rule 5.*—In rule 5 of the said rules after sub-rule (3), the following sub-rule shall be added, namely:—

“(4) No mining lease shall be granted to a person in a scheduled area without the prior recommendation of the Gram Sabha or Panchayat concerned.”

4. *Amendment of rule 24.*—In rule 24 of the said rules, in the proviso to sub-rule(i) for the sign “.”, the sign “:” shall be substituted and thereafter the following second proviso shall be added, namely:—

“Provided further that the Director or any other Officer authorised by him in this behalf shall grant short term permit to any person in the Scheduled Areas of the State only after receiving due recommendations of the Gram Sabha or Panchayat concerned.”

5. *Amendment of rule 28.*—In rule 28 of the said rules, in sub-rule (3), for the sign “.”, the sign “:” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that no tender or auction or contract, as the case may be, regarding exploitation of minor minerals in scheduled areas of the State shall be considered by the Government for acceptance unless recommended by the Gram Sabha or Gram Panchayat or Panchayat Samiti or Zila Parishad, as the case may be.”

By order,

ARVIND KAUL,
A.C.S.-cum-Secretary (Industries).